

REMARKS/ARGUMENTS

The Examiner reopened prosecution in view of an appeal brief mailed June 2, 2004. In response, the Applicant herein with files an Amendment in reply to the office action and will not request a reinstatement of the appeal. Applicant thanks the Examiner for his careful review of this application. Claims 5, 6, and 12-14 have been allowed. Claims 1, 2, 4, 7-9, 11, 15-18, 20, and 21 have been rejected. Claims 1, 9, and 17 have been amended. Applicant respectfully requests reconsideration of the application in view of the above amendment and the following remarks submitted in support thereof.

Obviousness Rejections under 35 U.S.C. §103(a)

The Examiner has rejected claims 1, 2, 7-9, 11, 15, 17, 18, and 20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,160,778 to Ito et al. in view of U.S. Patent No. 5,532,992 to Funamoto. The Examiner additionally rejected claims 4, 16, and 21 under 35 U.S.C. §103(a) as being unpatentable over Ito et al. in view of Funamoto and U.S. Patent No. 5,337,197 to Brown et al. For the reasons put forth below, Applicant respectfully asserts that Ito et al. fail to identically disclose each and every feature specified in amended independent claims 1, 9, and 17.

Although the Applicant believes that the original pending claims are defined over the art of record, the Applicant has amended the independent claims to clarify the verification of sectors of an optical disc. Accordingly, amended independent claims 1, 9, and 17 define a bitmap that tracks which of the sectors on the optical disc have been verified. In particular, the verified sectors are identified by a first value and unverified sectors are identified by a second value. In contrast, Ito et al. teach a file management information creation section that sets a "0" ("free") for skipped areas and a "1" ("used") for data "recorded in areas other than

the skipped areas” (col. 19, lines 40-41, 44, and 46-48). Since Ito et al. only disclose the file management creation section to track skipped areas, Ito et al. cannot reasonably be considered to teach the bitmap that tracks which of the sectors on the optical disc have been verified, where the verified sectors are identified by a first value and unverified sectors are identified by a second value, as defined in amended independent claims 1, 9, and 17.

To establish a prima facie case of obviousness, the prior art references much teach or suggest all the claim limitations (see M.P.E.P. §2143). Here, since Ito et al. do not teach or suggest the bitmap that tracks which of the sectors have been verified, the references as combined do not teach all the features of the claimed invention. Since dependent claims 2, 4, 7, 8, 11, 15, 16, 18, 20, and 21 directly or indirectly depend from amended independent claims 1, 9, and 17, Applicant submits that the dependent claims are patentable under 35 U.S.C. §103(a) for the reasons set forth above. As a result, Applicants respectfully request that the Examiner withdraw the 35 U.S.C. §103(a) rejection for pending claims 1, 2, 4, 7-9, 11, 15-18, 20, and 21.



RECEIVED
DEC 02 2004
Technology Center 2600

Conclusion

In view of the foregoing, the Applicant respectfully submits that all the pending claims 1, 2, 4, 7-9, 11, 15-18, 20, and 21 are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present Amendment, the Examiner is requested to contact the undersigned at (408) 774-6924. If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. ROXIP136). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
MARTINE & PENILLA, L.L.P.

A handwritten signature in cursive script, appearing to read "Michael K. Hsu".

Michael K. Hsu, Esq.
Reg. No. 46,782

Martine & Penilla, LLP
710 Lakeway Drive, Suite 170
Sunnyvale, California 94085
Telephone: (408) 749-6900
Customer Number 25920